

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

FIRST NATIONAL BANK OF WILLIAMSON,

Plaintiff,

v.

Civil Action No. 2:18-cv-00900

ST. PAUL MERCURY INSURANCE
COMPANY,

Defendant.

**DEFENDANT ST. PAUL MERCURY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant St. Paul Mercury Insurance Company (“Travelers”) hereby removes to this Court the case styled *First National Bank of Williamson v. St. Paul Mercury Insurance Company*, Case No. 18-C-36, from the Circuit Court of Mingo County, West Virginia, based on the following grounds:

1. On or after April 5, 2018, Plaintiff First National Bank of Williamson (“FNBW”) filed a complaint in the Circuit Court of Mingo County, West Virginia (the “Complaint”).
2. The Complaint names Travelers as the sole defendant in that case.
3. Travelers was served via the Office of the Secretary of State of West Virginia, which received the Complaint and Summons on April 9, 2018. True and correct copies of the court file with the Complaint and Summons are attached as Exhibit A.
4. This Notice of Removal is filed within thirty (30) days of the Complaint’s service on Travelers via the Office of the Secretary of State of West Virginia, making removal of this action timely under 28 U.S.C. § 1446(b).
5. This case is a civil action for which this Court has original jurisdiction under 28 U.S.C. § 1332(a). This civil action is between citizens of different states and, based on the

allegations in the Complaint, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6. Specifically, Plaintiff FNBW is a national bank chartered by the United States Office of the Comptroller of the Currency, with its principal place of business in West Virginia. (Ex. A, Compl. ¶ 4).

7. Defendant Travelers is a corporation organized and existing under the laws of the state of Connecticut, with its principal place of business in Connecticut.¹

8. The amount in controversy requirement is also satisfied. FNBW expressly alleges that “[t]he matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs,” (Ex. A., Compl. ¶ 2), and further alleges that FNBW is seeking coverage for a \$1.36 million settlement payment (*id.* ¶ 15).

9. Pursuant to 28 U.S.C. § 1446(d), Travelers will give notice promptly, upon filing of this Notice of Removal, to all parties of record and to the Clerk of the Circuit Court in and for Mingo County, West Virginia.

10. The Summons and Complaint (attached to this Notice of Removal as Exhibit A) were the only filings in this action served on Travelers. Accordingly, this Notice of Removal includes all process, pleadings, and orders served upon Travelers to date.

11. As required by Rule 3.4(b) of the Local Rules of Civil Procedure, Travelers has attached a true and correct copy of the State Court Docket Sheet as Exhibit B.

Therefore, having met all the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including all jurisdictional requirements established by 28 U.S.C. § 1332, Travelers gives notice

¹ In its Complaint, Plaintiff alleges that Defendant Travelers is a corporation organized and existing under the laws of the state of Connecticut, with its principal place of business in Minnesota. (Ex. A, Compl. ¶ 5).

that it removes the captioned case to the United States District Court for the Southern District of West Virginia.

Dated: May 8, 2018

Respectfully submitted,

ST. PAUL MERCURY INSURANCE COMPANY

BY: SPILMAN THOMAS & BATTLE, PLLC

/s/ Don C.A. Parker

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2018, I caused a copy of the foregoing Notice of Removal, its attachments, and the accompanying civil cover sheet to be sent by first class mail, postage prepaid, to the following individual:

Christian R. Harris, Esq.
P.O. Box 257
Williamson, WV 25661

Counsel for First National Bank of Williamson

/s/ Don C. A. Parker
Don C. A. Parker (WV State Bar #7766)